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 UNITED STATES OF AMERICA

9 UNITED STATES DISTRICT COURT

10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11
 12 UNITED STATES OF AMERICA,) NO. SA CR 07-227-CJC
)
 13 Plaintiff,) GOVERNMENT'S SENTENCING POSITION
) AND RESPONSE TO PRE-SENTENCE REPORT
 14 v.)
) Date: April 14, 2008
 15 IGOR M. OLENICOFF,) Time: 10:00 a.m.
)
 16 Defendant.)
)
 17 _____)

18 Plaintiff United States of America, by and through its
 19 counsel of record, submits the government's sentencing position
 20 and response to Pre-Sentence Report.

21 Dated: March 31, 2008

Respectfully submitted,

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 United States Attorney

23 ROBB C. ADKINS
 Assistant United States Attorney
 24 Chief, Santa Ana Branch Office
 25

26 BRETT A. SAGEL
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 27 Assistant United States Attorney

28 Attorneys for Plaintiff
 United States of America

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 On December 12, 2007, defendant IGOR M. OLENICOFF
3 ("defendant") pled guilty to a one count information, which he is
4 solely named, that charged him with filing a false 2002 U.S.
5 Individual Income Tax Return, in violation of Title 26, United
6 States Code, Sections 7206(1). (PSR ¶¶ 1-2).¹ The Probation
7 Office has determined that defendant's total offense level is 4
8 and the criminal history category is I. (PSR ¶ 72). Thus, the
9 sentencing range would be 0-6 months imprisonment. The Probation
10 Office recommends defendant be placed on probation for a term of
11 one year, pay a fine of \$3,500, and pay a special assessment of
12 \$100. The government has no objection to the factual statements
13 in the PSR, the offense level calculation, or the calculation of
14 criminal history category. The Government, however, has one
15 objection to the probation office's recommendation, the term of
16 probation, which the Government will address infra.

17 Pursuant to Paragraph 15 of defendant's plea agreement,
18 defendant had numerous obligations, including, but not limited
19 to: providing the U.S. Attorney's Office with a completed
20 financial statement listing all of defendant's assets; abandon
21 his claim for the 1999 corporate refund to Olen Properties
22 Corporation; move all assets held foreign financial accounts to
23 financial accounts in the United States; and cooperate with the
24 Internal Revenue Service to determine defendant's individual and
25 corporate tax liabilities for the tax years 1998 through 2004.

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¹"PSR" refers to the Pre-Sentence Report prepared by the
United States Probation Office and disclosed on March 10, 2008.

1 Defendant has complied with all of his obligations, including the
2 paying of approximately \$52 million to the Department of Treasury
3 prior to his change of plea to resolve his civil tax liabilities.

4 Pursuant to the factual basis of the plea agreement alone,
5 defendant's conduct regarding the use of off-shore bank accounts
6 and the transferring of assets to these accounts dates back to at
7 least 1992. Although defendant has fully met his obligations
8 pursuant to the plea agreement, the Government believes a longer
9 period of probation is warranted to ensure defendant's future
10 compliance with the Internal Revenue laws. The Government urges
11 the Court to sentence defendant to a term of probation of three
12 years, which would account for the nature and circumstances of
13 the offense and the history of defendant and would afford
14 adequate protection to the public from further crimes of
15 defendant, among other Section 3553 factors. The Government does
16 not oppose minimal supervision over defendant and minimal
17 restrictions placed on defendant in years two and three of
18 probation; but these additional years will allow this Court
19 authority over defendant in case he does not comply fully with
20 his responsibilities. In sum, the Government urges this Court to
21 sentence defendant pursuant to the Government's recommendations
22 below.

23 CONCLUSION

24 The government recommends that defendant be:

- 25 (1) sentenced to a term of probation for three years;
- 26 (2) ordered to pay a fine in the amount of \$3,500; and
- 27 (3) ordered to pay a \$100 special assessment.

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